

RAVALLI COUNTY JUSTICE COURT
205 Bedford Street
Hamilton, Montana 59840

Civil Suit Guidelines and Forms

These are basic guidelines relating to a civil suit. They are not intended to be all-inclusive of the rules and requirements relating to Justice Court lawsuits. As a party to a civil action, it is your responsibility to proceed under the Montana Statutes. They can be reviewed at most libraries or accessed on line. Neither the Judge nor the Clerk can provide you with legal advice or interpretation of the law as it relates to a civil suit. If you have questions, please contact an attorney.

The following web-sites may be of assistance to you:

Montana Codes Annotated.....http://data.opi.state.mt.us/bills/mca_toc/index.htm
Court and Landlord-Tenant issues.... <http://montanalawhelp.org>

Claim limit..... \$7000
Filing fee..... \$35

VENUE (PROPER PLACE OF TRIAL)

Proper venues are listed in Section 25-23-Rule 3. They include the County where the Montana defendant resides or the County where the contract or obligation was to be performed.

JURISDICTION

Justice Court has jurisdiction, in part, for the recovery of money, recovery of personal property, and damages. Other jurisdictional claims are listed in Section 3-10-301.

WHO MAY FILE A CIVIL SUIT?

An individual operating in his or her own name or under a trade name may file a Complaint pursuant to Section 25-23-Rule 2 and Rule 4.A.(1).

An agent or personal representative must file through an attorney pursuant to Section 25-23-Rule 2 and Rule 4.A.(2).

A corporation, partnership, estate, limited liability company, estate, trust, or business trust must file through an attorney pursuant to Section 25-23-Rule 2 and Rule 4.A.(3).

A minor must file a Complaint through a parent or guardian pursuant to Section 27-1-511.

FORMS: Please Print

There are three forms that need to be completed. You must complete all the forms, pay the filing fee, and provide necessary copies before your suit will be filed.

Complaint: *Required copies: original, copy for each Defendant, copy for your file.*

Complete all information indicated on the form. You are the Plaintiff and the person being sued is the Defendant. If you want possession of rental property, you must serve the Defendant with a Notice to Vacate before initiating a Court action, and a copy must be attached to the Complaint.

Summons: *Required copies: original, copy for the Court, copy for each Defendant, and a copy for your file.*

Unless you are requesting possession of rental property, complete all information required in the 20 day Summons.

If you are seeking possession of rental property, complete all of the information required in the 10 day Summons.

Praecipe: *Required copies: original, copy for the Court, and a copy for your records.*

Complete the heading, and provide a physical address where the Defendant can be personally served with the Summons and Complaint.

SERVICE OF DOCUMENTS

The Plaintiff - not the Court - is responsible for arranging service of the documents and is addressed in Section 25-23-Rule 4.D. Service can be made by a private process server or Sheriff's Office or a disinterested third party who is at least 18 years of age. After service, the original Summons must be filed with the Court together with a certificate of service and statement of service costs. If the Defendant is willing to accept service of the Summons and Complaint, he/she can complete an Acknowledgment of Service in accordance with the Statutes.

DEFENDANT'S RESPONSE

Answer: After a Defendant has been served with the Summons, he/she has 20 calendar days (excluding the date of service) to file an answer. If a Defendant has been served with a 10 day Summons for possession of property, then the response must be filed within 10 business days.

Counterclaim: At the time an Answer is filed, the Defendant may file a Counterclaim against the Plaintiff. The Plaintiff has 20 calendar days after service of the Counterclaim to file a response. If Plaintiff fails to do so, the Defendant may file a written request to enter a default judgment against the Plaintiff for the relief sought in the Counterclaim.

Defendant's failure to answer the Complaint: If the Defendant fails to file an answer within the time specified in the Summons, the Plaintiff may file a written request for default judgment.

PRETRIAL / TRIAL

If an Answer is filed, a pretrial hearing will be set and notices mailed to the parties. The pretrial is held to allow the parties an opportunity to discuss settlement possibilities. If the parties are unable to reach an agreement, the case will be scheduled for trial. If the Plaintiff fails to appear at the pretrial or trial, the Complaint will be dismissed. If the Defendant fails to appear at the pretrial or trial, a default judgment may be issued.

JUDGMENT / APPEAL

If a judgment is issued and either party is dissatisfied with the results, an appeal can be filed to District Court. In that event, it is the appealing party's responsibility to follow the procedures and requirements set forth in the Montana Statutes under Section 25, Chapter 33.

COLLECTION OF JUDGMENT

If the person awarded judgment on a Complaint or Counterclaim does not receive payment, upon written request, the Court may issue a Writ of Execution. Please see Section 25, Chapter 13 which deals with executions on judgments, as well as assets which may be exempt from execution. A Writ can be used to garnish wages or execute against bank accounts and must be served by a licensed levying officer or the Sheriff's Office.

If a Writ has not been successful in satisfying a Judgment, the Judgment Creditor may file a request for an Aid in Execution Hearing (debtor's exam). The Court will order the Judgment Debtor to appear and produce evidence and testimony regarding payment of the amount due.

The Judgment Creditor may also request the Court to issue a "Certification of Transcript of Judgment". The Certification can be filed with any County District Court where the Judgment Debtor owns real property.

MISCELLANEOUS

Documents Filed with the Court: A copy of any document filed with the Court must include a statement that you have mailed a copy of it to the opposing party.

Motions: When a Motion is filed with the Court, it must include a basis for the request. A copy must be mailed to the other party (or the party's attorney), and that party then has ten days to file a response.

Satisfaction of Judgment: When a Judgment has been paid in full, the judgment creditor must file a "Satisfaction of Judgment" with the Court, and a copy must be mailed to the judgment debtor.

Dismissal of Complaint: If the Plaintiff no longer wishes to pursue his/her Complaint against the Defendant, a Notice of Dismissal should be filed with the Court, with a copy mailed to the Defendant.

*Ravalli County Justice Court
205 Bedford Street, Suite F
Hamilton, Montana 59840*

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

_____)		
_____)		
_____	)	Judge:	_____
Plaintiff(s))		
	)	Case No:	_____
vs)		
_____)		
	)	COMPLAINT	
_____)		
Defendant(s))		

COMES NOW, the Plaintiff(s) and claims relief against Defendant(s) as follows:

WHEREFORE, Plaintiff(s) requests judgment as follows together with filing fees and costs of suit

Dated _____

Plaintiff's Signature

Plaintiff's Address

City/State/Zip Code

Phone

Defendant's Name

Defendant's Address

City/State/Zip Code

Phone

*Ravalli County Justice Court
205 Bedford Street, Suite F
Hamilton, Montana 59840*

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

_____)	
)	
_____	)	Judge: _____
Plaintiff(s))	
	)	Case No: _____
vs)	
_____)	
	)	TWENTY (20) DAY SUMMONS
_____)	
Defendant(s))	

THE STATE OF MONTANA, TO THE ABOVE NAMED DEFENDANT(S), GREETINGS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, which is filed in the above entitled Court. A copy of same is served upon you. In the event that you deny any or all of the material facts stated in the Complaint, you must file your written Answer with the above-entitled Court, together with a \$20 Answer fee for each Defendant. A copy of your Answer must be served upon the Plaintiff or the attorney at the address shown on the Complaint.

The Answer must contain a denial of any or all of the material facts stated in the Complaint that the Defendant believes to be untrue, and also a statement, in plain or direct manner, of any other facts constituting a defense. Any matter not denied shall be deemed admitted. If you fail to answer or assert a Counterclaim within **TWENTY (20) DAYS** after service of the Complaint and Summons, the Plaintiff may request entry of default judgment against you for the relief demanded in the Complaint.

Dated _____

Name of Plaintiff or Plaintiff's Attorney

Justice of the Peace

Street Address or Post Office Box

City/State/Zip Code

Clerk of Court

Phone Number

Ravalli County Justice Court
205 Bedford Street, Suite F
Hamilton, Montana 59840

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

_____)	
_____)	
Plaintiff(s)	)	Judge: _____
vs	)	Case No: _____
_____)	
_____	)	<u>10 Day Summons for</u>
Defendant(s)	)	<u>Possession of Rental Property</u>

THE STATE OF MONTANA, TO THE ABOVE NAMED DEFENDANT(S), GREETINGS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, which is filed in the above entitled Court. A copy of same is served upon you. In the event that you deny any or all of the material facts stated in the Complaint, you must file your written Answer with the above-entitled Court, together with a \$20 Answer fee for each Defendant. A copy of your Answer must be served upon the Plaintiff or the attorney at the address shown on the Complaint.

The Answer must contain a denial of any or all of the material facts stated in the Complaint that the Defendant believes to be untrue, and also a statement, in plain or direct manner, of any other facts constituting a defense. Any matter not denied shall be deemed admitted. If you fail to answer or assert a Counterclaim within **TEN (10) DAYS** (exclusive of Saturdays, Sundays, and legal holidays) after service of the Complaint and Summons, the Plaintiff may request entry of default judgment against you for the relief demanded in the Complaint.

Dated _____

Name of Plaintiff or Plaintiff's Attorney

Justice of the Peace

Street Address or Post Office Box

City/State/Zip Code

Clerk of Court

Phone Number

*Ravalli County Justice Court
205 Bedford Street, Suite F
Hamilton, Montana 59840*

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

_____)	
_____)	
Plaintiff(s)	)	Judge: _____
vs	)	Case No: _____
_____)	
_____	)	PRAECIPE
Defendant(s))	

TO: Ravalli County Sheriff, Ravalli County Process Server

Please serve the attached Complaint and Summons on Defendant(s) as follows:

Home _____

Work _____

Other _____

Please return the original Summons, certificate of service, and a statement of costs to Plaintiff at the address listed below:

Dated _____

Plaintiff's name

Street Address or Post Office Box

City/State/Zip Code

Phone Number